



7

DEPARTMENT OF PLANNING
STAFF REPORT

BOARD OF SUPERVISORS PUBLIC HEARING

DATE OF HEARING: December 7, 2009
SPEX 2009-0001, Loudoun County Animal Care and Control
DECISION DEADLINE: December 31, 2009
ELECTION DISTRICT: Catoctin PROJECT PLANNER: Michael Elabarger

EXECUTIVE SUMMARY

The Department of Animal Care and Control has submitted an application for a special exception to permit an additional free-standing 1,500 square foot building for local government purposes at the existing Animal Shelter in the AR-1 (Agricultural Rural - 1) zoning district. This application is subject to the Revised 1993 Zoning Ordinance and the proposed use is listed as a Special Exception use under Table 2-102 of Section 2-102 of the Ordinance. The Application also amends the conditions of approval attached to SPEX-1999-0009 to permit the Shelter's hours of operations to include Sundays. The property is adjacent to the Catoctin South Agricultural and Forestal District. The property is approximately 13.26 acres in size and is located north of Charles Town Pike (Route 9), on the west side of and Hamilton Station Road (Route 704), at 39820 Charles Town Pike, Waterford, Virginia. The area is governed by the policies of the Revised General Plan (Rural Policy Area (Northern Tier)), which designate this area for rural economy uses and limited residential development.

RECOMMENDATIONS

Planning Commission Recommendation

At its November 19, 2009 public hearing, the Planning Commission voted 8-0-1 (Commissioner Ruedisueli absent) to forward the application to the Board of Supervisors with a recommendation of approval, subject to Conditions of Approval amended at the public hearing, and based on the Findings contained in this Public Hearing staff report.

Staff Recommendation

Staff supports the Planning Commission's recommendation of approval. The proposal does not significantly increase the impact of the existing operation and is intended to improve service to the community.

SUGGESTED MOTIONS

1. I move that the Board of Supervisors forward SPEX 2009-0001, Loudoun County Animal Care and Control, to the January 5, 2010 Business Meeting for action. [*A timeline extension from the applicant will be necessary.*]

OR,

- 2.a. I move that the Board of Supervisors suspend the rules;

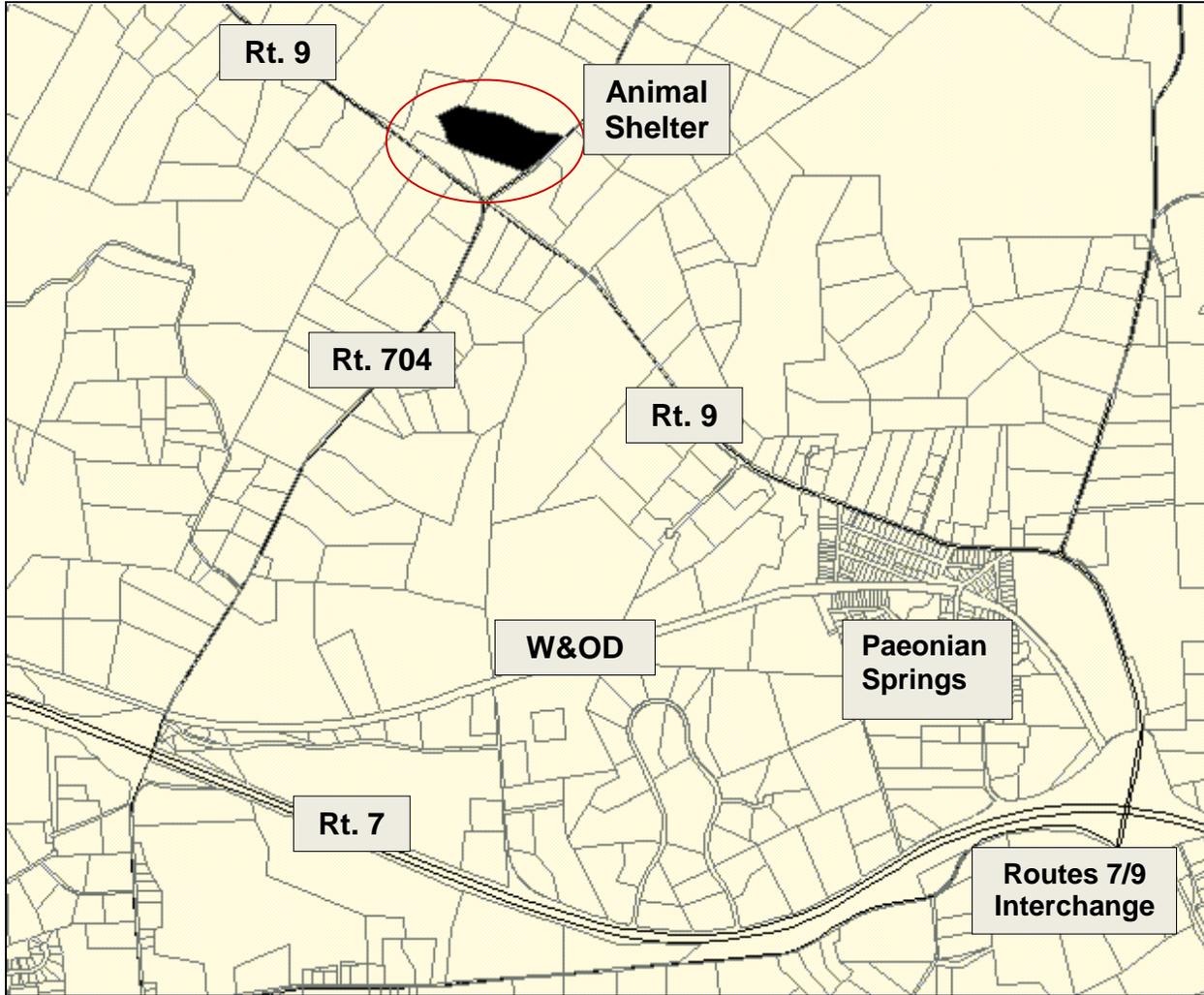
AND,

- 2.b. I move that the Board of Supervisors approve SPEX 2009-0001, Loudoun County Animal Care and Control, subject to the Conditions of Approval dated November 24, 2009 and based on the Findings contained in the December 7, 2009 Staff Report.

OR,

3. I move an alternate motion.

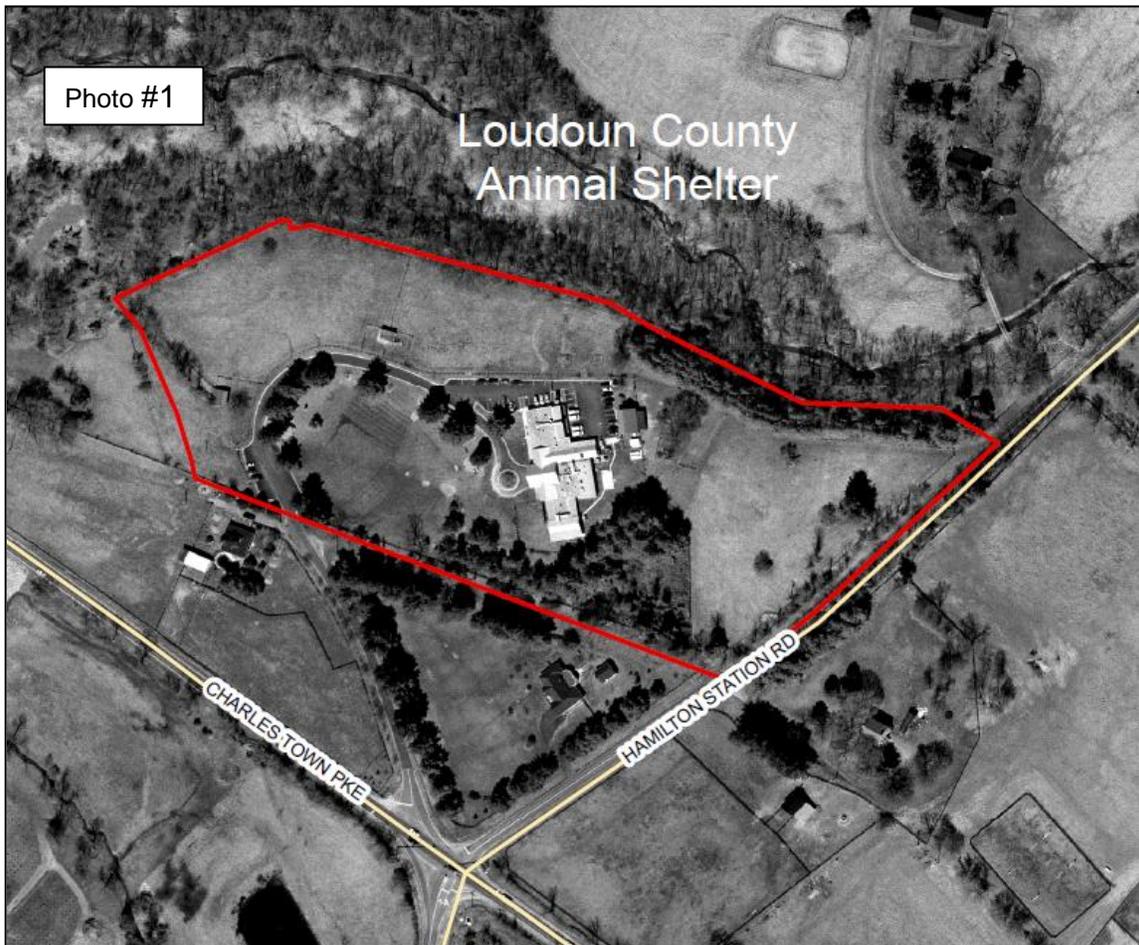
VICINITY MAP



Directions: From Leesburg, proceed west on Route 7 (Harry Byrd Highway) to the exit for Route 9 (Charlestown Pike). Proceed west on Route 9 to the intersection with Route 704 (Hamilton Station Road). Turn right into entrance just past this intersection.

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I. APPLICATION INFORMATION

APPLICANT: Loudoun County Animal Care & Control
Thomas J. Koenig, Director
39820 Charles Town Pike
Waterford, VA 20197
703-777-0406

OWNER: County of Loudoun
Lewis Rauch, Director
Office of Capital Construction
211 Gibson St. NW
Leesburg, VA 20176
540-258-3213

REPRESENTATIVE: Thomas J. Koenig, Director
Loudoun County Animal Care & Control
39820 Charles Town Pike
Waterford, VA 20197
703-777-0406
Thomas.Koenig@loudoun.gov

PROPOSAL: A Special Exception to permit the addition of a maximum 1,500 s.f. free-standing building to be used as office and training space; and to permit the animal shelter to open on Sunday.

The application was accepted for review on March 31, 2009.

PROPERTY ADDRESS: 39820 Charles Town Pike, Waterford, VA 20197

TAX MAP/PARCEL: Tax Map— /37////////101B MCPI— 344-45-5673-000

CURRENT ZONING: AR-1

PROPOSED NON-RESIDENTIAL FLOOR AREA: +/- 1,500 sf total

SURROUNDING:	<u>ZONING</u>	<u>EXISTING LAND USE</u>	<u>PLANNED LAND USE</u>
NORTH	AR-1	Farm/Residential	Rural Economy/Limited Residential
SOUTH	AR-1	Residential	Rural Economy/Limited Residential
EAST	AR-1	Residential	Rural Economy/Limited Residential
WEST	AR-1	Residential	Rural Economy/Limited Residential

II. Summary of Discussion

Topic/ Issue Area	Issues Examined and Status
Zoning	Complete several plat sheet revisions as noted in referrals regarding Ordinance requirements and standards. RESOLVED - see revised Plat attached.
	Make revisions to the Statement of Justification as noted in referral. RESOLVED - see revised Statement of Justification, attachment page A-21.
Transportation	Estimate number of expected visitors and training events. RESOLVED – no additional trips generated and 10-15 events per year, see attachment page A-29.
	No construction within 30 feet of Hamilton Station Road. RESOLVED – no such construction planned.
Comprehensive Plan / Site Design	Commit to minimum lighting necessary for use. RESOLVED – Applicant must adhere to Section 5-1504 of the Revised 1993 Zoning Ordinance.
	Commit to the maintenance of the existing landscape buffers/vegetation. RESOLVED – Condition #2, maintenance of existing vegetation.
	Provide a secure rapid entry system for emergency accessibility. RESOLVED – applicant agreed to supply such a system, see attachment page A-31.
	Set back construction from existing septic and propane tanks on site. RESOLVED – Condition #1, substantial conformance to location of planned building, which is adequately spaced from existing tanks.
	Tie into existing septic system and process all necessary permits with Health Department. RESOLVED – This must be done in order to receive permits from the Health Department.

III. PLANNING COMMISSION REVIEW AND RECOMMENDATION

On November 19, 2009, the Planning Commission held a public hearing on this application; two members of the public spoke in favor of the application. The Commission discussed with the applicant the state of the existing well and septic system drainfield and the proposed conditions of approval. The Commission agreed to remove language in Condition #4 regarding closing the animal shelter on a to-be-decided weekday, and to add a new condition committing the applicant to achieving satisfactory review and permit approval from the County Health Department regarding the well and drainfield. The Commission then voted (8-0-1, Commissioner Ruedisueli absent) to forward this application to the Board of Supervisors with a recommendation of approval subject to the set of Conditions of Approval amended at the public hearing, and with the Findings for Approval listed below.

Per the direction of the Commission, Staff and the County Attorney revised the Conditions of Approval, now dated November 24, 2009, making the requested change to Condition #4, to remove the clause regarding closing on a weekday, and creating Condition #5, Health Department Approval.

IV. PLANNING COMMISSION FINDINGS FOR APPROVAL

1. The proposed building addition and inclusion of Sunday hours of operation are consistent with the policies of the Revised General Plan.
2. The proposed building addition and inclusion of Sunday hours of operation are consistent with the regulations of the Revised 1993 Loudoun County Zoning Ordinance, as conditioned.
3. The new building will provide a much needed dedicated staff work space and a better level of service to residents participating in programs at the animal shelter.
4. The expanded hours of operation will provide a better level of service to County residences seeking animal adoptions.
5. The proposed project will not negatively impact area roads and the surrounding transportation network.

V. CONDITIONS OF APPROVAL (November 24, 2009)

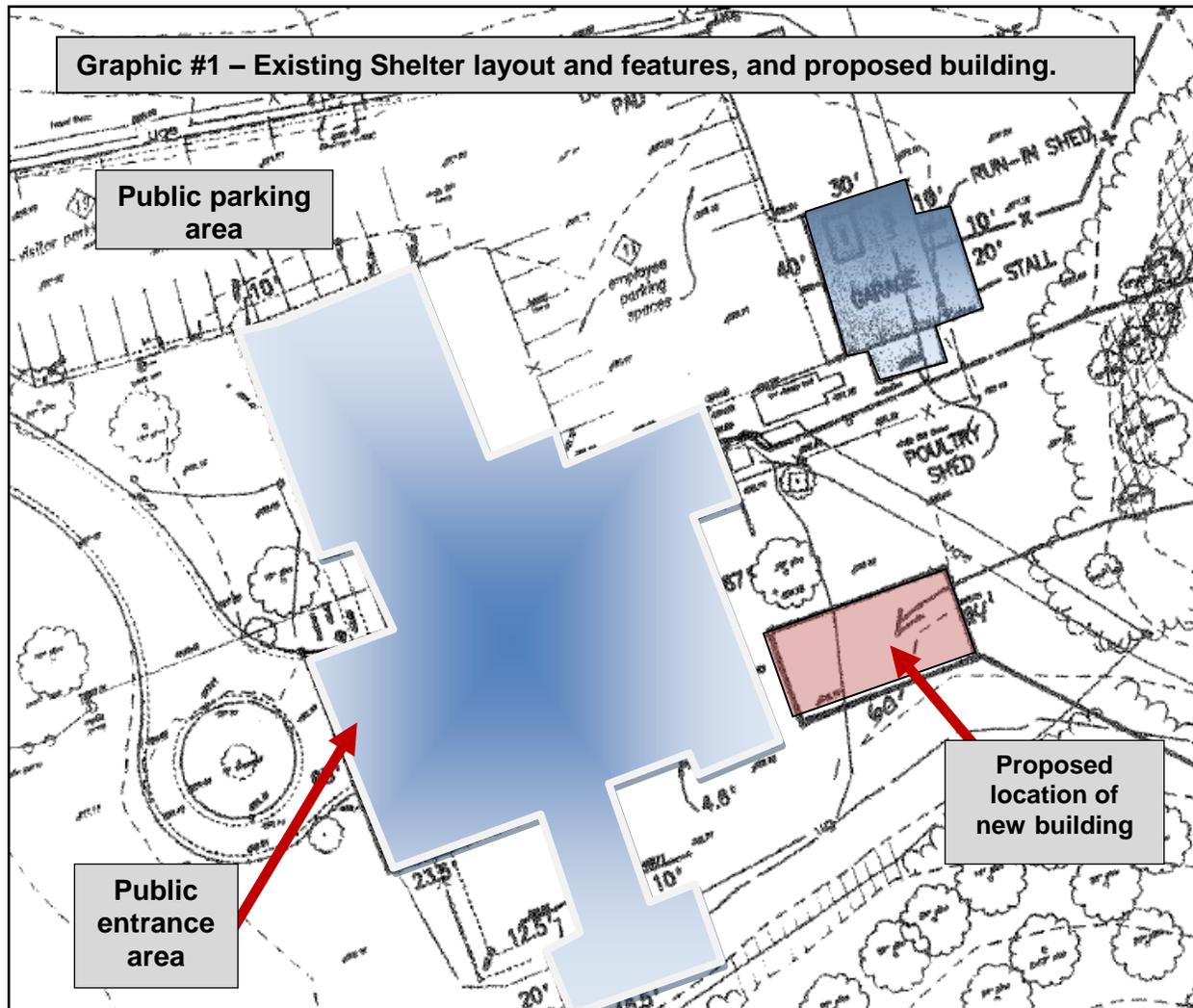
1. Applicability – The conditions of approval of this Special Exception SPEX 2009-0001 modify, amend, or supplement the previously approved conditions of SPEX 1999-0009. The conditions of approval dated July 16, 1999 (the “1999 SPEX Conditions”) for SPEX 1999-0009 Loudoun County Animal Shelter, which was approved by the Board of Supervisors on July 21, 1999, shall remain in full force and effect except as specifically modified by the following conditions.
2. Substantial Conformance – The special exception use, including the proposed new 1,500 square foot freestanding building, shall be developed in substantial conformance with the special exception plat approved with SPEX 1999-0009, as modified by the Special Exception Plat, dated March 25, 2009 and revised through August -3, 2009, prepared by the Applicant (the “Special Exception Plat”), and the Revised 1993 Loudoun County Zoning Ordinance. Approval of this application for Tax Map #: /37////////101B (PIN # 344-45-5673) (the “Property”) shall not relieve the Applicant or the owners of the property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
3. Existing Landscape Buffer Maintenance – The Applicant or its successors shall maintain and keep in good repair and/or health the existing vegetation that buffers the property as depicted on Sheet 2 of the Special Exception Plat.
4. Hours of Operation – Condition #6 of the 1999 SPEX Conditions is hereby superseded and replaced with the following condition: The general hours of operation shall be 7:00 A.M. to 9:00 P.M., Monday through Friday, and 7:00 A.M. to 6:00 P.M. Saturday and Sunday. Emergency operation may occur at any time as needed.
5. Health Department Approval – Prior to issuance of a zoning/building permit for the proposed freestanding building associated with this application, applicant shall obtain Loudoun County Health Department approval of the existing well and the existing on-site sewage disposal system.

VI. PROJECT REVIEW

A. CONTEXT

The applicant, the Loudoun County Department of Animal Care and Control, is requesting a special exception for the existing County government animal shelter use, which is currently subject to SPEX 1999-0009, in order to:

- a) Construct a free-standing 1,500 square foot (sf) building to provide a dedicated space for staff work and personnel training, which would help free up the existing space in the current building for other uses. The new structure would be placed on the southeastern side of the existing shelter building, and tie into utilities serving the rest of the property; See Graphic #1.
- b) Modify the business hours originally approved with SPEX 1999-0009 to establish business hours on Sundays, in an effort to provide better service to customers, primarily for adoption purposes. The applicant has stated that the animal shelter would then likely close to the public one weekday each week.



The 13.26 acre property is located in the northwest quadrant of the intersection of Charles Town Pike (Route 9) and Hamilton Station Road (Route 704), near the village of Waterford in the Catocin election district; see the Vicinity Map on page 2 and Photo #1 on page 4. The shelter has been in operation on the site since the 1960s and has been gradually expanded¹ over the years to meet the needs of the County. It currently contains the main, single-story building of approximately 13,000 square feet, with an additional garage/storage building, one small shed, six livestock run-in sheds, and a pump house. The existing structures comprising the shelter are located near the center of the property and are surrounded by mature white pines which, along with topography, screen views of the use from adjoining rural residential properties.

B. SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues. The applicant is in agreement with the Conditions of Approval dated November 24, 2009, which have been reviewed and approved by the County Attorney.

C. OVERALL ANALYSIS

COMPREHENSIVE PLAN

The subject property is governed under the policies of the Revised General Plan, and the application was evaluated against the Rural Land Use and Design policies and Rural Economy policies. It is located within the Northern Tier of the Rural Policy Area and planned for rural economy uses and limited residential development.

LAND USE

The preservation and enhancement of the rural economy is a central focus of the rural strategy. The policies of the Revised General Plan support the establishment of uses in the Rural Policy Area that preserve the rural character of the landscape, that are compatible with the dominant rural agricultural land use pattern, and that promote opportunities for the expansion of the County's rural economic as well as environmental goals. The Plan identifies a variety of traditional and non-traditional agricultural enterprises, which include crop and cattle production, the equine industry, vineyards and wineries, horticulture and specialty farm products, farm markets and wayside stands, farm supportive businesses, hospitality services (bed and breakfast enterprises, country inns, rural retreats and resorts), private camps and parks, rural corporate retreats, etc. which are appropriate in the Rural Policy Area. The Plan also outlines a series of performance criteria that all rural business uses should meet in order to ensure their compatibility with the character of the surrounding rural area.

Privately operated kennels and boarding facilities for large animals are supported by the Plan as rural economy uses. Though a public facility, the Animal Shelter is similar in nature to these uses, but not defined as such in the Plan. Its several decades of operation has established it as an appropriate and compatible existing land use within the agricultural and rural residential context of the surrounding area.

¹ SPEX 1999-0009 provided for several phases of expansion.

Location

The proposed free-standing 1,500 s.f. building would be constructed in a currently open area (a fenced concrete pad and grassed area, see Photo #2) on the east side of the existing shelter. The applicant stated that the new structure would be one-story in height, in keeping with the existing building it would be built adjacent to. The building would be virtually unseen from customers visiting the shelter, as the public parking and entrance is on the opposite side of the building. It would also be largely blocked from view by existing utilities between it and the access-controlled employee parking lot.



Compatibility

Plan policies support the development of rural businesses that are compatible in scale, use and intensity with the rural environment, and state that rural business uses should meet “established performance criteria, including traffic capacity limits, employee limits, site design standards (i.e. buffering, use intensity, siting, architectural features) and pose no threat to public health, safety and welfare”. The proposed building would not increase the number of animals that could be housed at the shelter or the number of employees working there. The only discernable impact could result from the new customer trips occurring on Sundays, and the removal of trips on the road network by customers on the one weekday the shelter will close to the public.

Landscaping and Buffering

Landscaping, buffering, and screening are intended to mitigate the effects of uses upon adjacent uses, and are regulated per Section 5-1400 of the Zoning Ordinance. Such buffers and screens apply to the review of site plans, but are instrumental in determining the issues for consideration of a legislative application, per Section 6-1310 of the Ordinance. The property abuts Route 704, Hamilton Station Road, on the east, and has very limited views into the property (and the structures of the animal shelter) due to existing mature vegetation and elevation features. See Photo #3, looking west into the property from Rt. 704.



Immediately adjacent (south and east) of the area planned for the building expansion are existing mature white pines which buffer views of the Animal Shelter from adjoining residences; see Photo #4.



The proposed building would be located to the east of the existing shelter and be buffered and screened by the existing vegetation. Proposed Condition #2 commits the applicant to long term maintenance and care of the existing vegetated buffers on the subject property to ensure that the facility is adequately screened.

Lighting

The Plan promotes sound night-lighting standards that will “reduce light pollution such as glare, energy waste, light trespass, and the deterioration of the natural nighttime environment”. The applicant must adhere to Section 5-1504 of the Revised 1993 Zoning Ordinance, as noted in Note 11 of the Plat Cover Sheet.

Traffic

The subject site is accessed by a paved driveway near the intersection of Charles Town Pike (Route 9) and Hamilton Station Road (Route 704). Traffic counts indicated that there are 119 average daily trips to the shelter. The construction of the proposed free-standing building will not add new employees and their associated trips to the property. The expanded services that the addition would allow would have very minimal increase in trip generation from either staff or visitors/customers. The proposed inclusion of Sunday hours of operation will add vehicular trips by visitors/customers to the road network serving the site on Sundays, which do not presently occur on this day. If the shelter should close on a weekday as expressed by the applicant, there would be a reduction of peak-hour and average daily vehicle trips in the vicinity of the shelter on that particular weekday. The overall traffic impact could then be a positive one, shifting volume from a heavier traveled weekday to a lighter traveled weekend day.

SAFETY AND HEALTH

At the request of the Department of Fire, Rescue, and Emergency Management, the applicant has stated that two secure rapid entry systems for emergency accessibility will be installed at the interior gate to allow adequate and timely 24-hour access of emergency vehicles to the rear of the property where the proposed building addition would be located.

The County Health Department reviewed the application, and deemed that there is no negative impact to the existing permitted septic system on site, and that the capacity of the existing drainfield (3,170 gallons per day) is not anticipated to be exceeded by the water needs associated with the proposed building addition, which have not officially been presented by the applicant. As with all development, at the time of site plan and construction, appropriate review and permitting must be performed with the Health Department. Following discussion of this matter by the Planning Commission, Condition #5 commits the applicant to obtain Loudoun County Health Department approval of the existing well and the existing on-site sewage disposal system prior to issuance of a zoning/building permit for the proposed freestanding building associated with this application.

ZONING

The subject site is zoned AR-1 (Agriculture Rural-1) and governed under the provisions of the Revised 1993 Zoning Ordinance. All comments made by Zoning Administration of the Department of Building and Development were addressed by the applicant, with proper

notations and corrections on the Plat and the submission materials.

D. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1310 of the Loudoun County Revised 1993 Zoning Ordinance states "In considering a special exception application, the following factors shall be given reasonable consideration. The applicant shall address all the following in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by this Ordinance":

Below is Staff's analysis of these criteria; see the Applicant's Statement of Justification (Attachment 3) for their response.

(A) Standard *Whether the proposed special exception is consistent with the Comprehensive Plan.*

Analysis The addition of the proposed structure to the existing animal shelter, and adding Sunday hours of operation, are consistent with the Revised General Plan and the policies for the Rural Policy area. The anticipated impacts have been adequately mitigated through Conditions of Approval.

(B) Standard *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

Analysis All applicable fire hazards will be addressed at the time of site plan and building permit review.

(C) Standard *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.*

Analysis Section 5-1507 of the Zoning Ordinance regulates noise for the property. No additional noise impacts are expected to be generated from the addition of the proposed structure to the existing animal shelter, or operations on Sunday, from that already occurring on site.

(D) Standard *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.*

Analysis Section 5-1504 of the Zoning Ordinance regulates light and glare on the property.

(E) Standard *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.*

Analysis The proposed structure will be a slight addition (approximately 11%) to the existing animal shelter, which has been a proven compatible use in the neighborhood.

(F) Standard *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

Analysis Section 5-1400 of the Zoning Ordinance regulates landscaping and buffering for the property. There is adequate existing vegetation to buffer the addition from all adjacent properties.

(G) Standard *Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.*

Analysis The expansion of the use through the proposed building will occur on an already disturbed flat area (part impervious concrete, part grass) adjacent to the existing facility.

(H) Standard *Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.*

Analysis The area for the proposed building was previously disturbed with the development of the animal shelter. There is no animal habitat; a portion of the area is concrete, the rest is mowed grass; stormwater management is per County standards; no great impacts on air quality will be directly attributed by development of the building or operating on Sundays. Any land disturbance will be regulated by the Facilities Standards Manual (FSM) regarding erosion and sedimentation.

(I) Standard *Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.*

Analysis The proposed structure will allow for a dedicated space in the existing building for visitor orientation and public programs that currently must be scheduled around other uses of that space.

(J) Standard *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.*

Analysis There would be no additional traffic directly generated by the proposed building; Sunday operations would create new trips on Sunday. All trips can be accommodated by the existing road network. If the shelter should choose to close on a weekday as noted by the applicant, this could remove trips from the nearby roadways during peak periods on that particular day.

(K) Standard *Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.*

Analysis The proposed new building shall meet County and State building codes and safety standards.

(L) Standard *Whether the proposed special exception will be served adequately by essential public facilities and services.*

Analysis The proposed new building will be served by existing utilities already provided on-site.

(M) Standard *The effect of the proposed special exception on groundwater supply.*

Analysis The proposed new building will be served by an existing well and sewage system,

which has adequate capacity for it, and no effects on the groundwater supply are expected.

(N) Standard *Whether the proposed use will affect the structural capacity of the soils.*

Analysis The proposed new building is not anticipated to create any negative impact on the structural capacity of the soils. Grading and construction will adhere to all requirements of the Facilities Standards Manual through the site plan process.

(O) Standard *Whether the proposed use will negatively impact orderly and safe road development and transportation.*

Analysis There would be no additional traffic directly generated by the proposed building; Sunday operations would create new trips on Sunday. All trips can be accommodated by the existing road network. If the shelter should choose to close on a weekday as noted by the applicant, this could remove trips from the nearby roadways during peak periods on that particular day.

(P) Standard *Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.*

Analysis The proposed new building will allow the existing staff to provide better customer service with the dedication of a space for those purposes. Sunday hours of operation will provide customers a more convenient time to visit the animal shelter for education purposes and adoptions.

(Q) Standard *Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.*

Analysis The proposed new building and Sunday hours expand an existing rural economy use that is in keeping with the policies for this area.

(R) Standard *Whether adequate on and off-site infrastructure is available.*

Analysis There is adequate on-site infrastructure to serve the proposed new building.

(S) Standard *Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.*

Analysis There are no odors anticipated from the proposed new building.

(T) Standard *Whether the proposed special exception uses provide sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.*

Analysis Due to the central and screened location on the property, the construction of the proposed new building would have very little impact on the surrounding area.

VII. ATTACHMENTS	PAGE #
1. Review Agency Comments	
a. Building and Development, Zoning Administration (07/08/09, 04/30/09)	A-01
b. Planning, Comprehensive Planning (07/06/09, 04/30/09)	A-05
c. Office of Transportation Services (07/01/09, 05/04/09)	A-09
d. Fire, Rescue, and Emergency Services (07/21/09, 05/08/09)	A-14
e. Virginia Department of Transportation (04/15/09)	A-16
f. Health Services, Environmental (07/06/09, 04/06/09)	A-17
2. SPEX 1999-0009 Copy Tests / Conditions of Approval (stamped July 29, 1999)	A-19
3. Applicant's Statement of Justification (revised August 13, 2009)	A-21
4. Applicant's Response to Referral Comments (08/03/09, 06/18/09)	A-27
5. Disclosure of Real Parties in Interest (signed 03/16/09)	A-33
6. Reaffirmation of Disclosure of Real Parties in Interest Affidavit (signed 10/30/09)	A-39
Special Exception Plat Set (revised 08/03/09)	Attached